

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JUAN GOMEZ-GARCIA,

Petitioner,

v.

MICHAEL CHERTOFF, et al.,

Respondents.

CASE NO. C06-1845-JLR-MAT

ORDER GRANTING
PETITIONER'S MOTION FOR
STAY OF REMOVAL

On December 29, 2006, petitioner Juan Gomez-Garcia, proceeding through counsel, filed a "Petition for Writ of Habeas Corpus" pursuant to 28 U.S.C. § 2241, and an Emergency Motion for Stay of Removal. (Dkt. #1). The Court ordered petitioner's removal temporarily stayed pending briefing and a resolution of petitioner's motion for stay. (Dkt. #4). Respondents have replied that they have no objection to such a stay, pending a decision on the merits of petitioner's habeas petition. (Dkt. #7).

Accordingly, the Court does hereby find and ORDER:

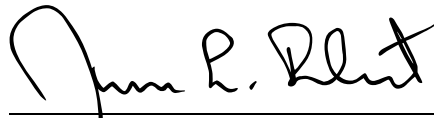
(1) Petitioner's request for a stay of removal is GRANTED, and petitioner's removal is STAYED pending the resolution of the habeas corpus action in this Court.

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1 (2) The Court expresses no views at this time as to the merits of petitioner's habeas
2 petition.

3 (3) The Clerk shall direct a copy of this Order to all counsel of record, and shall forward
4 a copy of this Order to Judge Theiler.

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6 DATED this 18th day of January, 2007.

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10 JAMES L. ROBART
11 United States District Judge

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13 Recommended for Entry
this 18th of January, 2007.

14 s/ Mary Alice Theiler
15 United States Magistrate Judge